

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, LLC)
D/B/A AT&T KENTUCKY'S PETITION FOR) CASE NO.
REVIEW OF NXX CODE DENIAL IN THE) 2012-00289
LOUISVILLE RATE CENTER (NPA 502))

O R D E R

On July 3, 2012, BellSouth Telecommunications, LLC d/b/a AT&T Kentucky ("AT&T Kentucky") filed a petition requesting this Commission review and overturn a determination by the North American Numbering Plan Administration ("NANPA").¹ The petition was filed pursuant to 47 C.F.R. § 52.15(g)(4) wherein the Commission is granted the authority to "overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies."

AT&T Kentucky explains that the assignment of a full central office code ("NXX") in the 502 Numbering Plan Area ("NPA") is needed to meet the numbering demands of Norton Healthcare in Louisville, KY, a customer of AT&T Kentucky. Specifically, the code assignment request is for a growth code in the 502 NPA to meet Norton

¹ NANPA is an independent non-governmental entity selected by the Federal Communications Commission ("FCC") and is responsible for administering and managing the North American Numbering Plan. Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

Healthcare's request for a new NXX with 10,000 sequential numbers.² AT&T Kentucky does not have sufficient number resources available within its inventory in the available pool for the specified wire center in the Louisville rate center and is unable to meet Norton Healthcare's specific need for numbering resources. Hence, on June 27, 2012, AT&T Kentucky electronically submitted an application to NANPA requesting assignment of a full NXX for non-pooled dedicated code in the Louisville rate center in order to address the business needs of Norton Healthcare.³ The application process with NANPA requires the submission of information used for a Months-To-Exhaust ("MTE") and Utilization Certification Worksheet ("Worksheet") pertaining to the affected rate center.⁴ Based on the submitted information and resulting calculations, NANPA concluded that AT&T Kentucky did not meet the FCC's required guideline for MTE of six months or less or the utilization threshold requirement of 75 percent.⁵ Therefore, NANPA determined that AT&T Kentucky's request for additional numbering resources should be denied.

NANPA is not a policy-making entity. In making assignment decisions, NANPA follows regulatory directives and industry-developed guidelines. NANPA's

² See AT&T Kentucky's Petition for Review.

³ Specifically, the NXX request submitted by AT&T Kentucky was for its Westport Road switch, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁴ In accordance with 47 C.F.R. § 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

⁵ According to the Worksheet, the MTE for the Louisville rate center was calculated to be 117.988 months with a utilization rate of 61.812 percent.

responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁶

Pursuant to 47 C.F.R. § 52.15(g)(4), this Commission may overturn the determination of NANPA if the requesting carrier has demonstrated a verifiable need for numbering resources and that all other available remedies have been exhausted. The Commission finds that AT&T Kentucky has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, Norton Healthcare, for a full NXX in Louisville, Kentucky, in the 502 NPA containing 10,000 sequential numbers. AT&T Kentucky advises that it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Louisville rate center. The Commission further finds that AT&T Kentucky has exhausted all available remedies in the Louisville rate center to the extent that no combination of existing numbering resources in the Louisville rate center can be employed to meet the customer's demand for a full NXX. According to AT&T Kentucky, its Westport Road switch serving the Louisville rate center does not have a large enough block of sequential numbers to meet the customer's need.

This Commission finds that NANPA determination to deny AT&T Kentucky the additional numbering resources described herein should be overturned and NANPA directed to assign to AT&T Kentucky a new NXX in the Louisville rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving AT&T Kentucky's customer, Norton Healthcare, in the Louisville rate center. If the service requested by Norton Healthcare is withdrawn,

⁶ See generally, 47 C.F.R. § 52.

declined, or terminated, the associated numbering resources approved in this Order should be returned to NANPA and may not be utilized to serve other customers without first meeting NANPA numbering resource guidelines.

IT IS THEREFORE ORDERED that:

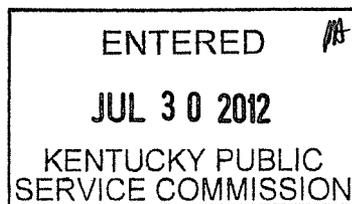
1. AT&T Kentucky's Petition regarding NANPA's denial of its application for assignment of additional numbering resources in the 502 NPA is granted.

2. The decision of NANPA denying AT&T Kentucky's request for assignment of a new NXX containing 10,000 sequential numbers in the Louisville rate center is hereby overturned.

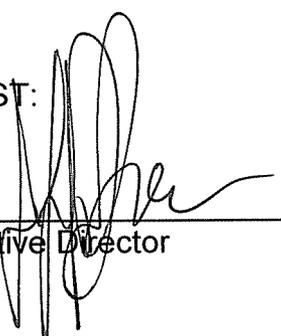
3. NANPA shall assign AT&T Kentucky an available NXX for the Westport Road switch in the Louisville rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving AT&T Kentucky's customer, Norton Healthcare, in the Louisville rate center. If the service requested by Norton Healthcare is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to NANPA.

By the Commission



ATTEST:



Executive Director

Honorable Mary K Keyer
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